

# DEPARTMENT OF PROBATION

Ana Bermúdez, Commissioner



## WHAT WE DO

The Department of Probation (DOP) helps build stronger and safer communities by working with and supervising people on probation, fostering positive change in their decision-making and behavior through research-based practices and expanding opportunities for them to move out of the criminal and juvenile justice systems through meaningful education, employment, health and behavioral health services, family engagement and civic participation. The Department supplies information and recommendations to the courts on both adult and juvenile cases to help inform sentencing and disposition decisions. In Family Court, reports are also provided in family offense, custody, child support, visitation, adoption and guardianship cases. In total, the Department of Probation provides intake services, investigations and supervision for more than 60,000 adult and juvenile cases per year and supervises approximately 21,000 adults and 1,000 juveniles on any given day.

## FOCUS ON EQUITY

The Department of Probation is committed to minimizing the adverse collateral consequences of being involved in the criminal and juvenile justice systems. These consequences, which include the inability to obtain meaningful employment, pursue education and access stable housing, impact not just those on probation but also their families and communities. Through accountability measures and service practices grounded in research, as well as partnerships with community-based organizations, DOP fosters personal change, increases opportunities to thrive and strengthens communities, thereby building a more equal and safer City.

## OUR SERVICES AND GOALS

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### **SERVICE 1 Contribute to optimal court processing and decision-making in delinquency and criminal justice matters.**

- Goal 1a Produce timely and accurate pre-sentence investigations.
- Goal 1b Identify youth appropriate for diversion from formal juvenile court proceedings via adjustment services.

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### **SERVICE 2 Improve community safety through a combination of accountability and support activities with those under probation supervision.**

- Goal 2a Assess risk to match individuals with supervision and monitoring levels; use re-arrest and violation trends to make adjustments to supervision level components.
- Goal 2b Increase the probability of successful completion of probation terms through maximizing the use of evidence-based practices and community-based interventions.
- Goal 2c Maximize accountability with probation compliance through field visits and enforcement actions.

# HOW WE PERFORMED IN FISCAL 2016

## SERVICE 1 Contribute to optimal court processing and decision-making in delinquency and criminal justice matters.

**Goal 1a** Produce timely and accurate pre-sentence investigations.

The Department supplies information and recommendations to the courts on both adult and juvenile cases to help inform sentencing and disposition decisions. In Fiscal 2016 the Department completed 12,050 presentence investigations for adult felony convictions, a three percent increase from the total ordered by local courts in Fiscal 2015. Misdemeanor conviction investigations were down 13 percent during the reporting period to 3,371 reports. There were 2,019 juvenile Investigation and Reports (I&R) completed, a one percent increase.

The on-time completion rate for juvenile I&R's submitted to court was 81 percent in Fiscal 2016, compared to 86 percent in Fiscal 2015. The Department will report on-time submission rate for adult investigations beginning in Fiscal 2017.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Adult investigation reports completed - total	21,488	19,547	18,452	15,546	15,421	*	*	Neutral	Down
Juvenile investigation reports completed	3,303	3,546	2,194	2,003	2,019	*	*	Neutral	Down
Juvenile investigation reports - on time completion (%)	NA	NA	NA	86.0%	81.0%	*	*	Up	NA

\* Critical Indicator "NA" - means Not Available in this report ↕ shows desired direction

**Goal 1b** Identify youth appropriate for diversion from formal juvenile court proceedings via adjustment services.

All youth arrested between the ages of seven and fifteen who fall under Family Court jurisdiction are processed post-arrest by the Department through the intake process. The Department processed 4,640 juvenile intakes in Fiscal 2016, a 14 percent decrease from Fiscal 2015. The reduction was consistent with a year-to-year decline in NYPD arrests citywide.

During the intake process, probation officers are required to assess whether youth are statutorily eligible and suitable for diversion from prosecution, called "adjustment" in the Family Court Act, by assessing risk and speaking with NYPD, complainants and youths' families. The adjustment rate declined three percentage points to 28 percent. The number of eligible and suitable youth decreased based on severity of arrest charges, assessed risk and prior history of arrests and court involvement.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Juvenile supervision - Intake cases received	11,510	7,516	6,064	5,366	4,640	*	*	Neutral	Down
★ Juvenile delinquency cases eligible for adjustment (%)	37.0%	34.0%	28.0%	31.0%	28.4%	32.0%	32.0%	Up	Down
- low-risk (%)	NA	47.0%	37.0%	38.0%	40.0%	*	*	Up	NA
- medium-risk (%)	NA	16.0%	12.0%	13.0%	14.0%	*	*	Neutral	NA
- high-risk (%)	NA	8.0%	7.0%	6.0%	7.0%	*	*	Neutral	NA

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## SERVICE 2 Improve community safety through a combination of accountability and support activities with those under probation supervision.

**Goal 2a** Assess risk to match individuals with supervision and monitoring levels; use re-arrest and violation trends to make adjustments to supervision level components.

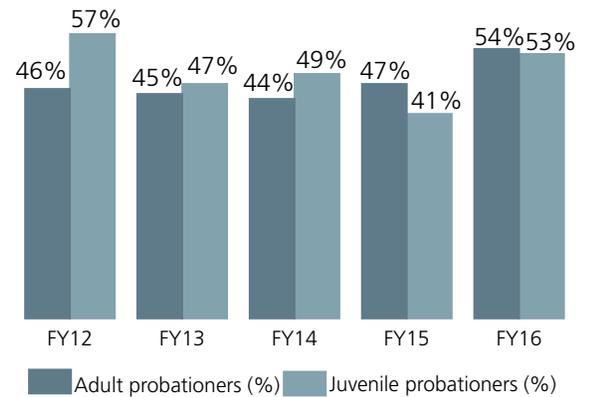
In Fiscal 2016 the Department completed 7,648 initial risk / need assessments for adults entering probation supervision, and 1,117 initial assessments for juveniles. These screenings, based on validated actuarial instruments developed for adults

and juveniles in a community supervision setting, provide insight into criminogenic risk factors and programming needs, and are used to develop individual action plans for probation clients.

The average monthly rearrest rate for adults on probation increased from 3.1 percent to 3.4 percent, while the juvenile rate increased from 3.9 percent to 4.8 percent. When viewed as a percentage of all NYPD arrests, the adult probationer re-arrest rate increased two tenths of a percentage point and the juvenile rate was unchanged. The Department is participating in ongoing crime strategy meetings with the Mayor's Office, NYPD, and local district attorneys' offices to analyze and respond to Citywide arrest trends.

The average monthly violation rate for adults increased one tenth of a percentage point to 0.9 percent. Probation violation proceedings ending in revocation for adults increased seven percentage points to 54 percent. The Department continues to reduce unnecessary filings for minor rules violations that do not implicate public safety, which are less likely to result in a revocation at disposition, via graduated sanctions. The violation rate for juveniles increased from 2.7 percent to 3.0 percent, reflecting increased risk and more serious adjudication charge characteristics of some juvenile supervision categories. The violation revocation rate for juveniles increased to 53 percent, consistent with an increased violation filing rate for high risk youths.

**Probation Violation Proceedings Ending in Revocation**



In Fiscal 2016 the Department began tracking the percentage of probation revocations that do not result in out-of-home placement for juveniles, to more accurately reflect successful probation completion rates. These non-placement revocations result in either a modification of an existing probation disposition or a different level of probation supervision being ordered. During the reporting period 36 percent of violation revocations resulted in resentencing or modification while 64 percent resulted in out-of-home placement.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Adult supervision cases - end of period	23,934	23,886	23,805	21,023	21,153	*	*	Neutral	Down
Juvenile supervision cases - end of period	2,187	2,079	1,781	1,430	1,347	*	*	Neutral	Down
Adult initial risk assessments completed	NA	NA	NA	NA	7,648	*	*	Neutral	NA
Juvenile initial risk assessments completed	NA	NA	NA	NA	1,117	*	*	Neutral	NA
★Adult probationer rearrest rate (monthly average) (%)	3.0%	3.1%	3.2%	3.1%	3.4%	3.0%	3.0%	Down	Up
★Adult probationers arrested citywide as a percentage of the NYPD arrest report (monthly average)	2.6%	2.8%	2.9%	3.1%	3.3%	2.6%	2.6%	Down	Up
★Juvenile probationer rearrest rate (monthly average) (%)	2.9%	2.7%	3.5%	3.9%	4.8%	3.0%	3.0%	Down	Up
★Juvenile probationers arrested citywide as a percentage of the NYPD arrest report (monthly average)	0.3%	0.2%	0.3%	0.3%	0.3%	*	*	Neutral	Up
★Average monthly violation rate for adult probationers (%)	0.9%	0.9%	0.8%	0.8%	0.9%	*	*	Neutral	Neutral
★Average monthly violation rate for juvenile probationers (%)	2.8%	2.7%	3.0%	2.7%	3.0%	3.0%	3.0%	Down	Neutral
Probation violation proceedings ending in revocation for adult probationers (%)	46%	45%	44%	47%	54%	*	*	Down	Up
Probation violation proceedings ending in revocation for juvenile probationers (%)	57%	47%	49%	41%	53%	*	*	Down	Down
Revocation of juveniles not resulting in placement (%)	NA	NA	NA	NA	36.0%	*	*	Neutral	NA
Revocation of juveniles resulting in placement (%)	NA	NA	NA	NA	64.0%	*	*	Neutral	NA

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**Goal 2b** Increase the probability of successful completion of probation terms through maximizing the use of evidence-based practices and community-based interventions.

The percentage of individual action plans (IAPs) completed for eligible new probation cases was 100 percent for both adults and juveniles during Fiscal 2016. IAPs serve as a roadmap for the period of probation supervision and provide a basis for benchmarking and measuring a person’s progress towards achieving short and longer-term goals, leading to better outcomes for individuals serving a community-based criminal or juvenile justice sentence.

There were 134 new enrollments of juveniles in alternative-to-placement (ATP) programs, a 16 percent decrease. The decline was attributable to a significant reduction in the number of juvenile intakes and prosecutions compared to Fiscal 2015, as well as fewer ATP sentences based on available capacity at community-based programs. Despite this decline, data shows that Family Court judges are ordering Alternatives to Placement (ATP) dispositions at a greater rate than residential confinement. While ATP enrollments declined 20 percent between 2013 and 2015, from 389 to 310, residential placements of youth declined at a greater rate of 34 percent, from 345 to 226. The Department continues to utilize a risk and needs assessment as well as a structured decision-making grid to identify youth appropriate for community supervision, rather than placement, at disposition.

There were 2,270 new enrollments in DOP-managed programs in Fiscal 2016. Program areas include mentoring, education, employment, and life skills.

The Department began targeted intervention to adult and juvenile probation clients with behavioral health needs in June 2015. During the reporting period, there were 1,703 adult and juvenile behavioral health contacts made citywide.

Early completions represented 10 percent of all adult probation supervision case closings, compared to 12 percent during Fiscal 2015. The citywide approval rate from local courts for early completion applications was 75 percent, a decrease of six percentage points. The Department continues to prioritize identifying qualified candidates for early completion based on compliance with the terms of probation and working towards goals set in individual action plans.

The rate of adult clients successfully completing their probation terms increased two percentage points to 68 percent, based on a higher percentage of clients completing maximum sentences. The successful completion rate for juvenile clients was 61 percent, representing an increase of two percentage points from the rate in Fiscal 2015.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Adult supervision- new individual action plans (IAPs) created for eligible clients (%)	NA	NA	NA	NA	100.0%	*	*	Neutral	NA
Juvenile supervision - new Individual action plans (IAPs) created for eligible clients (%)	NA	NA	NA	NA	100.0%	*	*	Neutral	NA
New enrollments in alternative-to-placement (ATP) programs	NA	194	167	160	134	*	*	Neutral	NA
New enrollments in DOP-managed programs	NA	NA	NA	NA	2,270	*	*	Neutral	NA
Adult probationer early completion rate (%)	17%	12%	11%	12%	10%	*	*	Neutral	Down
Adult probationer early completion approval rate (%)	82.0%	81.0%	76.0%	81.0%	75.0%	*	*	Up	Neutral
★ Successful completion rate for adult probationers (%)	64%	58%	59%	66%	68%	↑	↑	Up	Up
★ Successful completion rate for juvenile probationers (%)	62%	58%	60%	59%	61%	↑	↑	Up	Neutral

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**Goal 2c** Maximize accountability with probation compliance through field visits and enforcement actions.

The Department’s Intelligence Unit (Intel) conducted 1,525 field enforcement events in Fiscal 2016. Intel enforcement actions include NYPD domestic incident report notice follow-up, gang-related investigations, bench warrant enforcement, failure-to-report home visits, and transporting offenders to and from other jurisdictions.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Intel enforcement events	NA	NA	NA	NA	1,525	*	*	Neutral	NA

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## AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Customer Experience									
Completed requests for interpretation	18,764	16,505	16,520	15,859	9,425	*	*	Neutral	Down
Letters responded to in 14 days (%)	100%	97%	77%	100%	100%	*	*	Up	Neutral
E-mails responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Up	Neutral

## AGENCY RESOURCES

Resource Indicators	Actual <sup>1</sup>					Plan <sup>2</sup>		5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17	
Expenditures (\$000,000) <sup>3</sup>	\$79.7	\$81.7	\$83.2	\$89.9	\$98.1	\$99.5	\$100.7	Up
Revenues (\$000)	\$266	\$268	\$282	\$339	\$420	\$302	\$302	Up
Personnel	976	952	960	945	936	1,063	1,043	Neutral
Overtime paid (\$000)	\$184	\$404	\$445	\$504	\$534	\$534	\$534	Up

<sup>1</sup>Actual financial amounts for the most current fiscal year are not yet final. Final fiscal year actuals, from the Comptroller's Comprehensive Annual Financial Report, will be reported in the next PMMR. Refer to the "Indicator Definitions" at [nyc.gov/mmr](http://nyc.gov/mmr) for details. <sup>2</sup>Authorized Budget Level <sup>3</sup>Expenditures include all funds  
"NA" - Not Available in this report

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- The Department introduced new services and goals in this report. The Department added the following indicators to this report: 'Juvenile supervision - Intake cases received,' 'Adult supervision cases - end of period,' 'Juvenile supervision cases - end of period,' 'Adult initial risk assessments completed,' 'Juvenile initial risk assessments completed,' 'Revocation of juveniles not resulting in placement (%)', 'Revocation of juveniles resulting in placement (%)', 'Adult supervision- new individual action plans (IAPs) created for eligible clients (%)', 'Juvenile supervision - new individual action plans (IAPs) created for eligible clients (%)' and 'New enrollments in DOP-managed programs.'
- The Department designated both 'Successful completion rate for adult probationers (%)' and 'Successful completion rate for juvenile probationers (%)' as critical indicators in goal 2b. The indicators for 'Adult probationer early discharge rate (%)' and 'Adult probationer early discharge approval rate (%)' have been renamed to 'Adult probationer early completion rate (%)' and 'Adult probationer early completion approval rate (%)', respectively.
- The Department no longer tracks the indicator 'Total probationers supervised in Enhanced Supervision Program (ESP)' in this report.

## ADDITIONAL RESOURCES

For more information on the agency, please visit: [www.nyc.gov/probation](http://www.nyc.gov/probation).

